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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

20 Cr. 126 (LTS)

5 ROBERT WILSON,

6 Plea

7 Defendant.

8 -----x

9 New York, N.Y.  
10 November 1, 2023  
11 11:30 a.m.

12 Before:

13 HON. LAURA TAYLOR SWAIN,

14 Chief District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

17 United States Attorney for the  
18 Southern District of New York

19 ADAM SLOAN HOBSON

20 Assistant United States Attorney

21 ALBERTO A. EBANKS

22 Attorney for Defendant  
23  
24  
25

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1 (Case called)

2 THE COURT: Counsel, would you please introduce  
3 yourselves.

4 MR. HOBSON: Good morning, your Honor. Adam Hobson  
5 for the government.

6 THE COURT: Good morning.

7 MR. EBANKS: Good morning, your Honor. Alberto Ebanks  
8 on behalf of Mr. Wilson.

9 THE COURT: Good morning, Mr. Ebanks. And good  
10 morning, Mr. Wilson.

11 THE DEFENDANT: Good morning, your Honor.

12 THE DEPUTY CLERK: And good morning to all that are in  
13 attendance today. Thank you for coming to court.

14 I'm informed that Mr. Wilson has an application to  
15 withdraw his not guilty plea and plead guilty to a  
16 lesser-included offense of Count One of the two-count  
17 indictment that is labeled 20 Cr. 126.

18 Is that correct, Mr. Ebanks?

19 MR. EBANKS: That is correct, your Honor.

20 THE COURT: Do you have the fully executed copy of the  
21 plea agreement there with a printed date of October 11th and an  
22 execution date of November 1st, 2023 at defense table?

23 MR. EBANKS: Yes, I do, your Honor.

24 THE COURT: Is that copy marked as Government  
25 Exhibit 1?

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1 MR. EBANKS: It is, in fact, your Honor.

2 THE COURT: Do you also have an executed advice of  
3 rights form there marked as Court Exhibit 1?

4 MR. EBANKS: In my right hand, yes, your Honor.

5 THE COURT: Thank you.

6 And I received three letters of support from  
7 Mr. Wilson's family members and friends. At the end of today's  
8 proceeding, we will give them to Mr. Ebanks and I would ask  
9 that those be filed as part of your sentencing submission.

10 MR. EBANKS: I will certainly do that.

11 THE COURT: Mr. Hobson, would you make a statement  
12 regarding the government's victim identification and  
13 notification activity in connection with this proceeding.

14 MR. HOBSON: Your Honor, we have not identified any  
15 specific victims with respect to this offense.

16 THE COURT: Thank you.

17 Mr. Wilson, before I accept your guilty plea, there  
18 are a number of questions that I must ask you while you are  
19 under oath to ensure that your plea is valid. At times, I may  
20 cover a point more than once and I may cover matters that were  
21 also addressed in the advice of rights form that you have seen.  
22 If I do, that will be because it is very important that you  
23 understand what is happening here today.

24 If you don't understand something that I ask you,  
25 please say so, and I will reword the question or you may speak

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1 with your attorney.

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Please stand now to take the oath.

5 (Defendant sworn)

6 THE COURT: Thank you. Please stay standing, but you  
7 can put your hand down.

8 Please state your full name for the record.

9 THE DEFENDANT: Robert Wilson.

10 THE COURT: Mr. Wilson, do you understand that you  
11 have solemnly promised to tell the truth and that if you have  
12 answer any of my questions falsely, your false or untrue  
13 answers may later be used against you in another prosecution  
14 for perjury or for making a false statement?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Thank you.

17 You may be seated for the next part of the proceeding.

18 THE DEFENDANT: Thank you, your Honor.

19 THE COURT: How old are you, sir?

20 THE DEFENDANT: I'm 40, your Honor.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: I have a GED, your Honor.

23 THE COURT: Good to hear that.

24 Are you able to read, speak and understand the English  
25 language well?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Are you a citizen of United States?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: How did you become a citizen?

5 THE DEFENDANT: I was born here, your Honor.

6 THE COURT: Are you now or have you recently been  
7 under the care of a doctor or a psychiatrist?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Have you ever been treated or hospitalized  
10 for any mental illness or for any type of addiction, including  
11 drug or alcohol addiction?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Have you ever been addicted to any drugs  
14 or alcohol?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And what substance were you addicted to?

17 THE DEFENDANT: Marijuana, your Honor.

18 THE COURT: Are you currently suffering from the  
19 effects of a marijuana addiction?

20 THE DEFENDANT: Not really, your Honor.

21 THE COURT: Are you able to think clearly?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you feel comfortable making important  
24 decisions for yourself?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: In the past 24 hours, have you taken any  
2 drugs, medicine or pills or had any alcohol to drink?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: Is your mind clear today?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Are you feeling well physically today?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Are you represented by a lawyer here  
9 today?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: What is your lawyer's name?

12 THE DEFENDANT: Alberto Ebanks, your Honor.

13 THE COURT: Mr. Ebanks, do you have any doubt as to  
14 Mr. Wilson's competence to enter a plea at this time?

15 MR. EBANKS: I do not, your Honor.

16 THE COURT: Mr. Hobson, do you have any doubt as to  
17 Mr. Wilson's competence to enter a plea at this time?

18 MR. HOBSON: No, your Honor.

19 THE COURT: Mr. Wilson, your attorney has told me that  
20 you want to withdraw your not guilty plea and plead guilty to a  
21 lesser-included offense of Count One. Do you wish to plead  
22 guilty?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Have you fully discussed your case with  
25 your attorney, including the charge to which you intend to

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1 plead guilty, and any defenses that you may have to that  
2 charge?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Have you and your attorney also discussed  
5 the consequences of pleading guilty?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Are you satisfied with your attorney and  
8 his representation of you?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: On the basis of Mr. Wilson's responses to  
11 my questions and my observations of his demeanor, I find that  
12 Mr. Wilson is fully competent to enter an informed plea at this  
13 time.

14 Before I accept your plea, I'm going to ask you some  
15 more questions. These questions are intended to satisfy the  
16 Court that you want to plead guilty because you are in fact  
17 guilty and that you fully understand your rights and the  
18 consequences of your plea. I will now describe to you certain  
19 rights that you have under the Constitution and laws of the  
20 United States. You'll be giving up these rights if you plead  
21 guilty. Please listen carefully. If you don't understand  
22 something I am saying or describing, stop me and I or your  
23 attorney will explain it more fully.

24 Under the Constitution and laws of the United States,  
25 you have the right to a speedy and public trial by a jury on

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1 the charges against you that are in the indictment.

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand that you have the right  
5 to plead not guilty and to continue to plead not guilty to each  
6 of the charges?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: If there were a trial, you would be  
9 presumed innocent and the government would be required to prove  
10 you guilty by competent evidence and beyond a reasonable doubt.  
11 You would not have to prove that you were innocent at a trial.

12 Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: If there were a trial, a jury composed of  
15 12 people selected from this district would have to agree  
16 unanimously in order to find you guilty.

17 Do you understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: If there were a trial, you would have the  
20 right to be represented by an attorney at the trial and at all  
21 other stages of the proceedings. And if you could not afford  
22 one, an attorney would be provided to you free of cost.

23 Do you understand that?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: If there were a trial, you would have the



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1 right to see and hear all of the witnesses against you and your  
2 attorney could cross-examine them. In addition, you would have  
3 the right to have your attorney object to the government's  
4 evidence and offer evidence on your behalf, if you so desired.  
5 Also, you would have the right to have witnesses required to  
6 come to court to testify in your defense and you would have the  
7 right to testify yourself, but you would not be required to  
8 testify.

9 Do you understand all of that?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you understand that if there were a  
12 trial and you decided not to testify, no adverse inference  
13 could be drawn against you based on your decision not to  
14 testify?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Do you understand that if you were  
17 convicted at a trial, you would have the right to appeal that  
18 verdict?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand each and every one of  
21 the rights that I have asked you about?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you have any questions about any of  
24 these rights?

25 THE DEFENDANT: No, your Honor.

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1           THE COURT: Do you understand that by pleading guilty  
2 today, you will be giving up each and every one of these  
3 rights?

4           THE DEFENDANT: Yes, your Honor.

5           THE COURT: You also understand that you will be  
6 giving up any possible claim that your constitutional rights  
7 may have been violated?

8           THE DEFENDANT: Yes, your Honor.

9           THE COURT: Do you understand that if you plead guilty  
10 today, you will not have a trial?

11          THE DEFENDANT: Yes, your Honor.

12          THE COURT: Do you understand that by pleading guilty,  
13 you will also have to give up your right not to incriminate  
14 yourself, because I will ask you questions about what you did  
15 in order to satisfy myself that you are guilty as charged, and  
16 you will have to admit and acknowledge your guilt?

17          THE DEFENDANT: Yes, your Honor.

18          THE COURT: Do you understand that you can change your  
19 mind right now and refuse to plead guilty, you don't have to  
20 enter this plea if you don't want to for any reason?

21          Do you understand that fully?

22          THE DEFENDANT: Yes, your Honor.

23          THE COURT: Do you still want to plead guilty?

24          THE DEFENDANT: Yes, your Honor.

25          THE COURT: Have you received a copy of the

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1 indictment, that is the document with the charges against you  
2 in it that is numbered 20 Cr. 126 at the top?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Have you read it?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Have you discussed it with your attorney?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: If you want me to, I will read Count One  
9 of the indictment out loud to you here in the court. Would you  
10 like me to read it out loud to you?

11 THE DEFENDANT: You don't have to, your Honor.

12 THE COURT: Very well, then.

13 Do you understand that Count One of the indictment  
14 charges you with violating Section 846 of Title 21 of the  
15 United States Code, from in or about 2015, up to and including  
16 February of 2020, by participating in a conspiracy to  
17 distribute and possess with intent to distribute 1 kilogram and  
18 more of mixtures and substances containing a detectable amount  
19 of heroin, 400 grams and more of mixtures and substances  
20 containing a detectable amount of fentanyl and 280 grams and  
21 more of mixtures and substances containing a detectable amount  
22 of cocaine base, commonly known as crack, all in violation of  
23 Title 21 of the United States Code Sections 841(a)(1) and  
24 841(b)(1)(A), but that you are proposing today to plead guilty  
25 to a lesser-included offense in that count, namely, to

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1 violating Section 846 by participating in a conspiracy to  
2 distribute and possess with the intent to distribute 100 grams  
3 and more of mixtures and substances containing a detectable  
4 amount of heroin, 40 grams and more of mixtures and substances  
5 containing a detectable amount of fentanyl and 28 grams and  
6 more of mixtures and substances containing a detectable amount  
7 of cocaine base, all in violation of Title 21 of the United  
8 States Code, Sections 841(a)(1) and 841(b)(1)(B)?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand that the government  
11 would have to prove each and every part or element of this  
12 lesser-included offense beyond a reasonable doubt at a trial if  
13 you did not plead guilty?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Mr. Hobson, would you please explain what  
16 the government would have to prove if we were to go to trial on  
17 the lesser included offense.

18 MR. HOBSON: Yes, your Honor.

19 The lesser-included offense has two elements:

20 First, the existence of an agreement to distribute or  
21 possess with intent to distribute a controlled substance; and

22 Second, the defendant knowingly entered into that  
23 agreement.

24 In addition, to trigger the relevant sentencing  
25 provisions, the government would have to prove that that

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1 agreement involved the distribution of either 100 grams or more  
2 of heroin, 40 grams or more of fentanyl or 28 grams or more of  
3 crack cocaine.

4 THE COURT: And as to venue?

5 MR. HOBSON: As to venue, the government would have to  
6 prove by a preponderance of the evidence that venue is  
7 appropriate in the Southern District of New York. Here, the  
8 venue would be based on drug sales in the Bronx.

9 THE COURT: Thank you.

10 Mr. Wilson, do you understand what the government  
11 would have to prove if you did not plead guilty?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you understand that the maximum  
14 possible penalty for the crime to which you propose to plead  
15 guilty is 40 years of imprisonment, plus a fine of the greatest  
16 of \$5 million, twice the gain resulting from the offense or  
17 twice the loss to other people resulting from the offense, plus  
18 a \$100 special assessment, plus a lifetime term of supervised  
19 release after your term of imprisonment, plus full restitution  
20 to all persons injured by your criminal conduct?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Do you also understand that the crime to  
23 which you propose to plead guilty, not only has a maximum  
24 penalty, but also contains a minimum imprisonment penalty of  
25 five years, plus a minimum required penalty of four years of

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1 supervised release. In other words, your sentence must include  
2 those minimum penalties, unless limited circumstances apply,  
3 and those circumstances don't appear to be present in your  
4 case.

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Counsel, am I correct in understanding  
8 that you have stipulated that Mr. Wilson is not eligible for  
9 the safety valve?

10 MR. HOBSON: That's correct, your Honor.

11 MR. EBANKS: That is correct, your Honor.

12 THE COURT: Thank you.

13 Mr. Wilson, I will now give you some information and  
14 verify your understanding of the supervised release aspect of  
15 the potential penalty. Supervised release means that you will  
16 be subject to monitoring when you are released from prison,  
17 terms and conditions will be imposed. If you violate any of  
18 the set terms and conditions, you can be sent back to prison  
19 without a jury trial. If you are on supervised release, and  
20 you do not comply with any of the set terms or conditions, you  
21 can be sent back to prison for up to five years. You will be  
22 given no credit for the time that you served in prison as a  
23 result of your sentence and no credit for any time spent on  
24 post release supervision.

25 So, for example, if you received a prison term and

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1 then a six-year term of supervised release, and after you left  
2 prison, you lived up to the terms of supervised release for  
3 almost six years, but then you violated some term of supervised  
4 release, you could be sent back to prison for five whole years.

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Do you also understand that if I accept  
8 your guilty plea and adjudge you guilty, that adjudication may  
9 deprive you of valuable civil rights, such as the right to  
10 vote, the right to hold public office, the right to serve on a  
11 jury and the right to possess any kind of firearm?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Under current law, there are sentencing  
14 guidelines that judges must consider in determining your  
15 sentence.

16 Have you spoken to your attorney about the sentencing  
17 guidelines?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand that, in determining  
20 your sentence, the Court must calculate the applicable  
21 sentencing guidelines range and consider that range, possible  
22 departures under the sentencing guidelines and other sentencing  
23 factors under Title 18 of the United States Code,  
24 Section 3553(a).

25 THE DEFENDANT: Yes, your Honor.

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1           THE COURT: Do you understand that the Court has  
2 discretion, while taking the guidelines into account, to  
3 sentence you to any period of imprisonment from the five year  
4 statutory minimum all the way up to the statutory maximum of  
5 40 years?

6           THE DEFENDANT: Yes, your Honor.

7           THE COURT: Do you understand that even though your  
8 plea agreement includes a stipulated or agreed sentencing  
9 guidelines calculation, the Court will not be able to determine  
10 your sentence until after a presentence report has been  
11 completed by the probation office and you and the government  
12 have had a chance to challenge any of the facts reported by the  
13 probation office?

14          THE DEFENDANT: Yes, your Honor.

15          THE COURT: Do you understand that you may have the  
16 right to appeal your sentence under certain circumstances, even  
17 if your plea agreement provides that you are waiving your right  
18 to appeal?

19          THE DEFENDANT: Yes, your Honor.

20          THE COURT: Do you understand that, if your attorney  
21 or anyone else has attempted to estimate or predict what your  
22 sentence will be, their estimate or prediction could be wrong?

23          THE DEFENDANT: Yes, your Honor.

24          THE COURT: No one, not even your attorney or the  
25 government, can or should give you any assurance of what your



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1 sentence will be because your sentence cannot be determined  
2 until after the probation office report is completed and I have  
3 ruled on the challenges to the report and I have determined  
4 what the appropriate sentence is.

5 Do you understand this?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Do you also fully understand that even if  
8 your sentence is different from what your attorney or anyone  
9 else told you it might be, or if it is different from what you  
10 expect, you will still be bound to your guilty plea and you  
11 will not be allowed to withdraw your guilty plea?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Mr. Ebanks, would you please show  
14 Mr. Wilson page 3 of the plea agreement, which includes the  
15 stipulated sentencing guideline range.

16 Mr. Wilson, the plea agreement provides that the  
17 stipulated guideline range is from 188 to 235 months of  
18 imprisonment, which includes the mandatory minimum prison  
19 sentence of 60 months. Do you understand that this stipulation  
20 does not bind the Court or the probation office as to the facts  
21 on which it is based, as to how to apply the guidelines to the  
22 facts or as to what will be an appropriate sentence in your  
23 case?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Do you understand that I may decide to

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1 impose a sentence that is outside of the guidelines range?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Are you now serving any state or federal  
4 sentence or are you being prosecuted for any other crime?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Do you understand that the indictment also  
7 includes a forfeiture allegation, in which the government  
8 asserts that you are required to forfeit to the United States  
9 any and all property constituting and derived from any proceeds  
10 that you obtained directly or indirectly as a result of the  
11 crime charged in Count One, as well as any and all property  
12 used or intended to be used in any way to commit and facilitate  
13 the commission of the crime charged in Count One?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Would you please look again at the plea  
16 agreement, which is marked as Government Exhibit 1.

17 Have you signed this agreement?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Did you read it before you signed it?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Did you discuss it with your attorney  
22 before you signed it?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And did you fully understand it before you  
25 signed it?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Does the agreement reflect accurately your  
3 complete and total understanding of the entire agreement  
4 between the government, your attorney and you?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Is everything that you understand about  
7 your plea and sentence covered in the agreement?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Has anything been left out?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Has anyone made any promises to you, other  
12 than what is detailed in that agreement, or threatened you or  
13 forced you to plead guilty or enter into the plea agreement?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Do you understand that on page 2, the  
16 agreement includes a stipulation that your crime involved  
17 specific amounts of heroin, fentanyl and crack and that the  
18 total amount of those drugs convert under a formula that is set  
19 forth in the sentencing guidelines to a converted drug weight  
20 that is more than 1,000 kilograms, but less than  
21 3,000 kilograms?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that the specific types  
24 and quantities of drugs involved in your crime affect the total  
25 converted drug weight and that that converted drug weight

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1 affects sentencing computations under the guidelines?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Do you understand that you are under no  
4 obligation to make an agreement with the government as to  
5 whether your crime involved specific types and quantities of  
6 drugs?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: And do you agree that your crime involved  
9 specific amounts of heroin, fentanyl and crack and that those  
10 amounts convert under the sentencing guidelines formula to a  
11 drug weight that is more than 1,000 kilograms, but less than  
12 3,000 kilograms?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Do you understand, on page 2, the  
15 agreement contains a stipulation that you agree that the  
16 offense to which you are pleading guilty involved the  
17 possession of a firearm?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand that possession of a  
20 firearm affects sentencing guideline calculations for your  
21 crime?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that you are under no  
24 obligation to make an agreement with the government as to  
25 whether your crime involved the possession of a firearm?

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1 THE DEFENDANT: Yes, your Honor.

2 MR. EBANKS: Do you agree that your crime did involve  
3 the possession of a firearm?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand that, on page 2, the  
6 agreement includes a stipulation that you agree that your crime  
7 involved directing the use of violence?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Do you understand that directing the use  
10 of violence affects sentencing guideline calculations for your  
11 crime?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you understand that you are under no  
14 obligation to make an agreement with the government as to  
15 whether your crime involved directing the use of violence?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Do you agree that your crime involved  
18 directing the use of violence?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that, on page 2, your  
21 agreement includes a stipulation that you agree that your crime  
22 involved you serving as a manager or supervisor of criminal  
23 activity that involved five or more participants or was  
24 otherwise extensive?

25 THE DEFENDANT: Yes, your Honor.

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1           THE COURT: Do you understand that these facts affect  
2 sentencing guidelines calculations for your crime?

3           THE DEFENDANT: Yes, your Honor.

4           THE COURT: Do you understand that you are under no  
5 obligation to make an agreement with the government as to these  
6 facts?

7           THE DEFENDANT: Yes, your Honor.

8           THE COURT: Do you agree that your crime involved you  
9 serving as a manager or supervisor of criminal activity that  
10 involved five or more participants or was otherwise extensive?

11          THE DEFENDANT: Yes, your Honor.

12          THE COURT: Do you understand that your plea agreement  
13 includes a stipulation that you have had a previous conviction,  
14 which is identified on page 3 of your plea agreement?

15          THE DEFENDANT: Yes, your Honor.

16          THE COURT: Do you understand that the number and  
17 nature of your prior convictions affects sentencing  
18 calculations under the sentencing guidelines?

19          THE DEFENDANT: Yes, your Honor.

20          THE COURT: And do you also understand that you are  
21 under no obligation to make an agreement with the government  
22 regarding your criminal history?

23          THE DEFENDANT: Yes, your Honor.

24          THE COURT: Do you understand that your agreement on  
25 page 3 includes a stipulation that you committed this crime

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1 while you were under a criminal justice sentence for the prior  
2 conviction?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand that having committed  
5 the offense while under a criminal justice sentence affects  
6 sentencing computations under the guidelines?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Do you understand that you are under no  
9 obligation to make an agreement with the government about  
10 whether you committed this crime while you were under a  
11 criminal justice sentence?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Now, your agreement also reflects that you  
14 and the government have agreed, in light of sentencing  
15 guidelines amendments that became effective today, the  
16 enhancement for committing your offense while you were under a  
17 criminal justice sentence will not be warranted under the new  
18 Section 4A1.1 of the November 1st, 2023 version of sentencing  
19 guidelines, which will be in effect at the time that you are  
20 sentenced. And so do you understand that your agreement  
21 reflects the parties' agreement that the applicable range under  
22 the sentencing guidelines is 168 to 210 months of imprisonment,  
23 based on an offense level of 34 and a criminal history category  
24 of II under the revised guidelines?

25 THE DEFENDANT: Yes, your Honor.

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1           THE COURT: Do you understand that, on page 4 of the  
2 plea agreement, you are agreeing not to seek a sentencing  
3 modification pursuant to Section 3582(c)(2) of Title 18 based  
4 on the revision of Section 4A1.1, as reflected in the  
5 November 2023 or later versions of the sentencing guidelines?

6           THE DEFENDANT: Yes, your Honor.

7           THE COURT: Do you understand that, on page 2, the  
8 plea agreement provides that you are admitting the forfeiture  
9 allegation in the indictment and that you agree that you must  
10 forfeit to the United States any and all property constituting  
11 or derived from any proceeds obtained, directly or indirectly,  
12 as a result of your crime, as well as any and all property used  
13 or intended to be used in any way to facilitate the commission  
14 of the crime?

15          THE DEFENDANT: Yes, your Honor.

16          THE COURT: Do you understand that you are under no  
17 obligation to make an agreement with the government as to any  
18 forfeiture obligation that you may have?

19          THE DEFENDANT: Yes, your Honor.

20          THE COURT: Mr. Hobson, does the government intend to  
21 submit a proposed order of forfeiture?

22          MR. HOBSON: Not at this time, your Honor.

23          THE COURT: Very well. I'll file my usual order that  
24 directs you to file a proposed order in advance of sentencing  
25 if you are seeking a proposed order of forfeiture.



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1 MR. HOBSON: Yes, of course.

2 THE COURT: Mr. Hobson, do you understand, if you do  
3 forfeit anything, anything you forfeit won't count against any  
4 other fine, penalty or restitution that the Court may impose as  
5 part of your sentence?

6 MR. HOBSON: I believe you accidentally directed that to  
7 me, to Mr. Hobson, I think that's the confusion.

8 THE COURT: I doubt that I'll be imposing a forfeiture  
9 obligation on you personally as part of this sentence, so let  
10 me do that again. And I apologize.

11 So, Mr. Wilson --

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: -- do you understand that if you do have a  
14 forfeiture obligation, anything that you do forfeit will not  
15 count against any other fine, penalty or restitution that the  
16 Court may impose as part of your sentence?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you understand that your agreement  
19 provides, on page 5, that you are giving up or waiving your  
20 right to appeal, to litigate or challenge your sentence  
21 collaterally under Title 28 of the United States Code, Sections  
22 2255 and/or 2241 if I sentence you to 235 or fewer months of  
23 imprisonment?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Do you understand that the agreement also

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1 provides on page 5 that you will not appeal or challenge any  
2 term of supervised release that is less than or equal to the  
3 statutory maximum, namely, supervised release for life?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand that, on page 5, your  
6 agreement also provides that you will not appeal or challenge  
7 any fine of \$5 million or less?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Do you understand that you are under no  
10 obligation to waive your rights to appeal or otherwise litigate  
11 any aspect of your sentence?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you understand that, on page 5, the  
14 agreement provides that the appeal and collateral challenge  
15 waiver provisions that we have just discussed do not affect  
16 whatever rights you may have to assert claims of ineffective  
17 assistance of counsel, whether on direct appeal, collateral  
18 review or otherwise?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that your agreement  
21 provides, on page 5, that you are giving up your right to  
22 withdraw your plea or attack your conviction, either on direct  
23 appeal or collaterally, on the ground that the government  
24 failed to produce any discovery material, Jencks Act material,  
25 exculpatory material pursuant to the Supreme Court's Brady v.

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1 Maryland decision, other than information establishing your  
2 factual innocence, or impeachment material pursuant to the  
3 Supreme Court's Giglio v. United States decision that has not  
4 already been produced as of the date of your plea agreement?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Do you understand that your agreement  
7 provides on page 4 that you will not move for a downward  
8 departure under the sentencing guidelines or seek any  
9 adjustment under the guidelines that is not described in the  
10 plea agreement, but that you can make arguments for a lower  
11 sentence under the general sentencing statute that is known as  
12 Section 3553(a)?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Do you understand that the agreement  
15 provides, on page 3, that you are not eligible for the  
16 so-called safety valve that is provided for in Title 18 of the  
17 United States Code, Section 3553(f)?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand that the agreement  
20 provides that you agree not to seek safety valve relief from  
21 the mandatory minimum sentence at your sentence and that, if  
22 you do, the government will no longer be bound by the terms of  
23 the plea agreement?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Do you understand that you are under no

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1 obligation to enter into this particular agreement with the  
2 government?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand that, even if the  
5 government does not oppose or take a position on what your  
6 attorney will ask as a sentence, I am free to impose whatever  
7 sentence I believe is appropriate under the circumstances and  
8 the applicable law, and you will have no right to withdraw your  
9 plea?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you still want to plead guilty pursuant  
12 to this plea agreement?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Mr. Ebanks, do you know of any valid  
15 reason why Mr. Wilson would prevail at trial?

16 MR. EBANKS: No, I do not, your Honor.

17 THE COURT: Do you know of any reason that he should  
18 not be permitted to plead guilty?

19 MR. EBANKS: I do not, your Honor.

20 THE COURT: Thank you.

21 Mr. Wilson, will you please stand now and tell me what  
22 you did that makes you guilty of the crime to which you are  
23 pleading guilty.

24 THE DEFENDANT: I, Robert Wilson, admit to selling  
25 28 grams or more of crack cocaine and 100 grams or more of

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1 heroin in the Southern District of New York.

2 THE COURT: So I didn't hear what you said between  
3 your name and the quantities of the drugs. So would you say  
4 that one more time, please.

5 THE DEFENDANT: Sorry, your Honor.

6 I said, I, Robert Wilson, and others in the Southern  
7 District of New York conspired to possess and sell 28 grams or  
8 more of cocaine base and 100 grams or more of heroin.

9 THE COURT: And when you use the term conspire, what  
10 do you mean by that?

11 THE DEFENDANT: That we all came into agreement to  
12 take these actions and sell narcotics.

13 THE COURT: I noticed that you were referring to some  
14 notes when you were speaking. How did those notes come to be  
15 prepared?

16 THE DEFENDANT: I had them prepared already, your  
17 Honor.

18 THE COURT: Do they reflect the facts of what you  
19 actually did and intended to do at that time?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Was it your intent to sell real heroin and  
22 real crack cocaine?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: In what time period did you have this  
25 agreement?

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1 THE DEFENDANT: 2018 to 2020.

2 THE COURT: And when you made this agreement, did you  
3 know that what you were doing was wrong and illegal?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Did your agreement involve any agreement  
6 regarding fentanyl?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Mr. Hobson.

9 MR. HOBSON: Your Honor, if I may make a proffer. The  
10 undercover buys from Mr. Wilson and some of his other  
11 coconspirators indicated that the gang was selling fentanyl as  
12 well. And those buys, combined with cooperating witness  
13 testimony, shows that the amount of fentanyl was at least  
14 40 grams or more.

15 THE COURT: Thank you.

16 Does the government wish any further factual matters  
17 to be addressed by Mr. Wilson in his plea allocution?

18 MR. HOBSON: No, your Honor, that's not necessary.

19 THE COURT: Thank you.

20 Would you keep standing, Mr. Hobson.

21 And you can be seated, Mr. Wilson.

22 Mr. Hobson, would you please summarize the  
23 government's evidence against Mr. Wilson.

24 MR. HOBSON: Yes, your Honor.

25 The evidence would include a number of undercover

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1 buys, which were on video to Mr. Wilson and Mr. Wilson's  
2 coconspirators, as well as cooperating witness testimony,  
3 including the quantities that they used and the violence they  
4 used to protect their operation. It would also include  
5 evidence of a gun seized from the spot where Mr. Wilson was  
6 running his drug operations.

7 THE COURT: Is it the government's belief that this  
8 body of evidence would be sufficient to prove guilt beyond a  
9 reasonable doubt?

10 MR. HOBSON: Yes, your Honor.

11 THE COURT: Thank you.

12 Mr. Wilson, would you please stand again.

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: How do you now plead to the charge in  
15 Count One of the indictment; not guilty or guilty?

16 THE DEFENDANT: Guilty, your Honor.

17 THE COURT: Are you pleading guilty because you are in  
18 fact guilty?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Are you pleading guilty voluntarily and of  
21 your own free will?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Would you please look at Court Exhibit 1,  
24 which is the advice of rights form.

25 Have you signed this form?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Did you read it before you signed it?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Did you discuss it with your attorney  
5 before you signed it?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Did you fully understand it before you  
8 signed it?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Mr. Ebanks, did you also review and sign  
11 Court Exhibit 1?

12 MR. EBANKS: I did, your Honor.

13 THE COURT: Mr. Ebanks, are there any other questions  
14 that you believe I should ask Mr. Wilson in connection with the  
15 plea?

16 MR. EBANKS: Not at this time, your Honor.

17 THE COURT: Mr. Hobson, are there any other questions  
18 you believe I should ask in connection with the plea?

19 MR. HOBSON: No, your Honor.

20 THE COURT: Mr. Wilson, you have acknowledged that you  
21 are guilty as charged in a lesser-included offense of Count One  
22 of the indictment. I find that you know your rights and that  
23 you are waiving them voluntarily. Because your plea is entered  
24 knowingly and voluntarily and is supported by an independent  
25 basis in fact containing each of the essential elements of the



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1 lesser-included offense, I accept your guilty plea and I  
2 adjudge you guilty of the offense charged in Count One of the  
3 indictment numbered 20 Cr. 126, to the extent that count  
4 charges you with conspiring to distribute and possess with  
5 intent to distribute 100 grams and more of heroin and 28 grams  
6 and more of cocaine base, to which you have admitted, and  
7 40 grams and more of fentanyl as to which the government has  
8 proffered that it has evidence.

9 You can be seated now, Mr. Wilson. Thank you.

10 THE DEFENDANT: Thank you, your Honor.

11 THE COURT: Mr. Ebanks, do you wish to be present for  
12 any interview of Mr. Wilson in connection with the preparation  
13 of the presentence report?

14 MR. EBANKS: Yes, I do, your Honor.

15 THE COURT: I will make that direction.

16 Ms. Ng, may we have a sentencing date, please.

17 THE DEPUTY CLERK: Wednesday, February 7th, 2024 at  
18 11:30.

19 THE COURT: Is everybody available on February 7th,  
20 2024 at 11:30?

21 MR. HOBSON: Yes, your Honor.

22 MR. EBANKS: Yes, your Honor.

23 THE COURT: Sentencing is set for February 7th, 2024  
24 at 11:30 in the morning.

25 Counsel, please make sure to get any objections or

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1 comments back promptly to probation after the first disclosure  
2 of the report and make your sentencing submissions in  
3 accordance with the sentencing submission provisions of my  
4 individual practice rules, which are on the court website.

5 Mr. Hobson, will you get the government's factual  
6 summary to probation within the next two weeks.

7 MR. HOBSON: Yes, your Honor.

8 THE COURT: Mr. Ebanks, would you make sure to be in  
9 touch with the probation office so that an interview is  
10 scheduled within the next two weeks.

11 MR. EBANKS: Yes, your Honor.

12 THE COURT: Thank you.

13 Mr. Wilson.

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: The probation office will be preparing a  
16 presentence report to assist me in sentencing you. You will be  
17 interviewed by the probation office. It is important that the  
18 information that you give to the probation officer be truthful  
19 and accurate. The report is important in my decision as to  
20 what your sentence will be. You and your attorney have a right  
21 and will have an opportunity to examine the report, to  
22 challenge or comment on it and to speak on your behalf before  
23 sentencing. Failing to be truthful with the probation office  
24 and the Court may have an adverse effect on your sentence and  
25 may subject you to prosecution.

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1 Do you understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Thank you.

4 Mr. Ebanks, as I indicated before, we will be giving  
5 you the letters that we received. And do file them as part of  
6 the sentencing submission and make sure that any names of  
7 minors are redacted from the publicly filed versions.

8 MR. EBANKS: I will do that, your Honor.

9 THE COURT: Thank you.

10 Mr. Hobson, do you want Mr. Ebanks to give you copies  
11 of the letters in advance?

12 MR. HOBSON: As long as they are in the sentencing  
13 submission, that's sufficient for our purposes.

14 THE COURT: That's fine. I will consider them, to the  
15 extent they do come in the sentencing submission.

16 Counsel, is there anything else that we need to  
17 address together this afternoon?

18 MR. HOBSON: No, your Honor.

19 MR. EBANKS: No, your Honor. Thank you.

20 THE COURT: Thank you.

21 And I would ask the marshals to permit Mr. Wilson to  
22 acknowledge his family as he's leaving the courtroom. And I  
23 thank you for making that accommodation.

24 Be well and stay safe everyone. We're adjourned.

25 (Adjourned)